


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Laura A. Wasser, Esq. (SBN 173740) WASSER, COOPERMAN & CARTER Professional Corporation 2029 Century Park East, Suite 1200 Los Angeles, CA 90067-2957 TELEPHONE NO.: (310) 277-7117 FAX NO. (Optional): E-MAIL ADDRESS (Optional):		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT AUG 27 2007 
ATTORNEY FOR (Name): Britney Spears SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL DISTRICT		
PETITIONER/PLAINTIFF: BRITNEY SPEARS RESPONDENT/DEFENDANT: KEVIN FEDERLINE		
EX PARTE APPLICATION AND NOTICE OF MOTION <input type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): See Attachment 9		
		CASE NUMBER: BD 455662 [Hon. Scott Gordon, Comm.]

1. TO (name): KEVIN FEDERLINE AND HIS ATTORNEYS OF RECORD
 2. A hearing on this motion for the relief requested in the attached application will be held as follows:

a. Date: August 27, 2007 Time: 8:30 a.m. ☒ Dept: 88 ☒ Rm.: 831

b. Address of court ☒ same as noted above ☐ other (specify):

3. Supporting attachments:

- a. Completed Application for Order and Supporting Declaration (form FL-310) and a blank Responsive Declaration (form FL-320)
 b. ☐ Completed Income and Expense Declaration (form FL-150) and a blank Income and Expense Declaration
 c. ☐ Completed Financial Statement (Simplified) (form FL-155) and a blank Financial Statement (Simplified)
 d. ☐ Completed Property Declaration (form FL-160) and a blank Property Declaration
 e. ☒ Points and authorities
 f. ☒ Other (specify): Declaration of Laura A. Wasser, Esq.

Date: August 27, 2007

LAURA A. WASSER of WASSER, COOPERMAN & CARTER
 (TYPE OR PRINT NAME)

ORDER

4. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
 5. Any responsive declaration must be served on or before (date):
 6. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed above. The parties are ordered to attend orientation and mandatory custody services as follows:

Date:

CLERK'S OFFICE
 DATE PAID: 08/27/07
 PAYMENT: \$40.00
 RECEIVED:
 CASH:
 CHARGE:
 CASH:

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this Notice of Motion (including a completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Petitioner, BRITNEY SPEARS (hereinafter "Petitioner"), hereby submits the
3 following Memorandum of Points and Authorities in support of her Ex Parte Application to
4 Continue Respondent's Order to Show Cause [REDACTED] and for
5 Attorneys' Fees and Costs currently set for hearing on September 17, 2007:

6 SUMMARY OF FACTS AND ARGUMENT

7 Respondent filed an Order to Show Cause [REDACTED] and for
8 Attorneys' Fees and Costs. Said Order to Show Cause is currently set to be heard on
9 September 17, 2007. [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 In connection with the Order to Show Cause, Respondent has set the deposition of
13 six witnesses thus far. The depositions were scheduled by Respondent's counsel without
14 any effort to meet and confer with Petitioner's counsel or the witnesses prior to setting the
15 dates. As a result, most of the depositions need to be rescheduled due to calendar
16 conflicts.¹

17 Petitioner will also need to conduct discovery in order to prepare for the hearing on
18 Respondent's Order to Show Cause. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23
24 ¹The Court should note that Respondent's counsel was notified on several occasions,
25 prior to filing Petitioner's Order to Show Cause or serving any of the deposition subpoenas,
26 that Petitioner's lead counsel, Laura A. Wasser would be away on vacation from August 17,
27 2007 through September 3, 2007. With that knowledge, Respondent's counsel set all of the
28 depositions to occur in Ms. Wasser's absence and without verifying that any other attorney
in Ms. Wasser's office or the witnesses would be available on the dates set. As a result, the
deposition of Petitioner must be rescheduled and at least 2 other witnesses have advised that
they will need to reschedule their depositions.

1 There is not enough time between now and the September 17, 2007 hearing for
2 either party to conduct and complete their discovery. Respondent currently has depositions
3 scheduled for the following dates, August 28, September 5, September 6, September 7, and
4 September 12, 2007. Even if Respondent can successfully complete the depositions he has
5 set, Petitioner will be prejudiced by the fact that she will not know what these deponents
6 say under oath in time to use the information in her responsive pleadings which are
7 currently due on September 4, 2007. Petitioner is further prejudiced by the lack of time
8 available for her to conduct and complete the discovery she needs to prepare for the
9 hearing.

10 Due to the amount of discovery which has been propounded by Respondent and the
11 discovery which will need to be propounded by Petitioner, good cause exists for a
12 continuance of the Order to Show Cause currently set for September 17, 2007, to a date far
13 enough in the future to allow both sides to conduct discovery necessary to prepare for the
14 hearing.

15 I.

16 **THE COURT MAY GRANT A CONTINUANCE**
17 **UPON SHOWING OF GOOD CAUSE**

18 California Rules of Court Rule 3.1332 provides, in pertinent part, as follows:

19 (b) A party seeking a continuance of a date set for trial
20 whether contested or uncontested or stipulated to by the parties,
21 must make a request for continuance by noticed motion or ex
22 parte application under the Rules in Chapter 4 of this division,
23 with supporting declarations. The party must make the motion
24 of application as soon as reasonably practical once the necessity
25 for the continuance is discovered.

26 (c) . . . the court may grant a continuance only on an affirmative
27 showing of good cause requiring the continuance.

28 ///

1 ... (7) the significant unanticipated change in the status of the
2 case as a result of which the case is not ready for trial.

3 In the instant case, on August 8, 2007, Respondent filed his Order to Show
4 Cause [REDACTED] and for Attorneys' Fees and Costs. There is not enough time for
5 both parties to conduct and complete the discovery which is necessary to prepare for the
6 hearing on the Order to Show Cause currently set for September 17, 2007.

7 In light of the amount of discovery which has been propounded by Respondent and
8 the amount of discovery which will need to be propounded by Petitioner, the parties cannot
9 be ready for hearing on September 17, 2007. Therefore, good cause exists for the Court to
10 grant a continuance.

11 **CONCLUSION**

12 By reason of the foregoing, Petitioner requests that the relief set forth in her Ex Parte
13 Application and accompanying Motion be granted in its entirety.

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15
16 DATED: August 27, 2007

17 Respectfully submitted,
18 WASSER, COOPERMAN & CARTER
19 Professional Corporation

20 By: LAURA A. WASSER
21 Attorneys for Petitioner
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DECLARATION OF LAURA A. WASSER, ESO.

I, LAURA A. WASSER, declare as follows:

1. I am an attorney at law duly licensed to practice before all Courts in the State of California. I am a partner with the law firm of Wasser, Cooperman & Carter, Professional Corporation, attorneys of record for Petitioner, BRITNEY SPEARS. I have personal knowledge of the following facts set forth herein, and if called as a witness, I could and would testify competently thereto. I submit this Declaration in connection with Petitioner's Ex Parte Application for a continuance of Respondent's Order to Show Cause [REDACTED] and for Attorneys' Fees and Costs, currently set for hearing on September 17, 2007, or in the alternative for an Order Shortening Time for a hearing to continue same.

2. On August 8, 2007, our office was served with Respondent's Order to Show Cause [REDACTED] and for Attorneys' Fees and Costs. Attached to Respondent's Order to Show Cause, in addition to his declaration were the declarations of two third party witnesses. Based on the content of the declaration of Respondent and the two third party witnesses, it will be necessary for Petitioner to set the depositions and depose all three witnesses in preparation for the hearing. In addition to the witnesses who have offered declarations in support of Respondent's request, Petitioner will need to depose at least 3 other witnesses who have information relevant to [REDACTED]

3. In addition to the discovery Petitioner will need to conduct in order to prepare for the hearing on Respondent's Order to Show Cause, Respondent has served deposition subpoenas on six (6) third party witnesses, in addition to that of Petitioner. Respondent's counsel set the depositions knowing that I had a planned vacation and would not be in the office from August 17, 2007 through September 3, 2007. After I received the first of the deposition subpoenas propounded by Respondent's counsel, I sent him a letter reminding him of my vacation and informed him that the depositions would need to be rescheduled.

1 (A true and correct copy of my letter to Respondent's counsel dated August 10 2007 is
2 attached hereto and marked as Exhibit "A".) I am currently away on vacation and my first
3 day back in the office will be September 4, 2007. In addition, Dennis Wasser, who is
4 assisting in the preparation of and trial on Respondent's Order to Show Cause is scheduled
5 to be away on vacation from August 25, 2007 returning to the office on September 4, 2007.
6 Up to now Mr. Wasser and I have been the only attorneys' in our firm with any knowledge
7 of the case at bar.

8 4. Respondent's counsel has been advised by our office that the depositions he
9 has set will need to be rescheduled because there are numerous calendar conflicts. Upon
10 my return to the office, we will be propounding discovery on behalf of Petitioner. Before
11 we set the deposition of any witness, we will meet and confer with Respondent's counsel
12 regarding available dates on his and Respondent's calendars.

13 5. There is not enough time between now and the date set for hearing,
14 September 17, 2007, to allow for all of the depositions currently set by Respondent and to
15 be set by Petitioner to be completed. There is not enough time for additional discovery that
16 may need to be propounded based upon the information obtained from the deponents.
17 Moreover, neither party will have enough time to complete their discovery in order to use
18 the information obtained in their responsive papers, Petitioner's responsive papers are due
19 on September 4, 2007 and Respondent's reply papers are due on September 10, 2007.

20 6. Based on the foregoing, good cause exists and it is necessary to continue
21 Respondent's Order to Show Cause currently set for September 17, 2007, to a later date to
22 allow both sides to conduct and complete necessary discovery prior to the hearing.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on this 27 day of August, 2007, at Los Angeles, California.

26
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28
LAURA A. WASSER, Declarant

LAW OFFICES
WASSER, COOPERMAN & CARTER
PROFESSIONAL CORPORATION

2029 CENTURY PARK EAST
ONE CENTURY PLAZA SUITE 1200
LOS ANGELES, CALIFORNIA 90067-2887

TELEPHONE: (310) 277-7117

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DENNIS M. WASSER
BRUCE E. COOPERMAN
SUSAN K. CARTER
LAURA LANDESMAN
JOHN A. FOLEY
LAURA A. WASSER
MELANIE D. MANOLES
NAN ZIRAFI
SAMANTHA KLEIN
JAY A. POLSTEIN

August 15, 2007

VIA TELECOPIER ONLY

Mark Vincent Kaplan, Esq.
KAPLAN & SIMON, L.L.P.
2049 Century Park East, Ste. 2660
Los Angeles, CA 90067

Re: Marriage of Spears/Federline

Dear Mark:

This letter is in regard to our recent discussion about our offices working together to assist each other in the service of third-party Subpoenas, where possible. This would obviate the need for either office to chase potential witnesses, which would only cause more unnecessary fees and unwanted media attention to this matter.

Please confirm that you still are willing to work with us to get third-party witnesses served. Once we receive your confirmation, we can exchange lists of third-party witnesses and determine which ones each side can accept service for and proceed accordingly.

In light of the time parameters surrounding this matter, we request your response to this letter on or before 1:00 p.m. Friday, August 17, 2007.

Sincerely,



LAURA A. WASSER

NZ:lvb

cc: Dennis M. Wasser, Esq.
Laura Landesman, Esq.
Nan Zirafi, Esq.

kapha.06147

Confirmation Report - Memory Send

Time : Aug-15-2007 02:05pm
Tel line : +3105531793
Name : WASSER COOPERMAN CARTER PC

Job number : 760
Date : Aug-15 02:05pm
To : 3105521970
Document pages : 002
Start time : Aug-15 02:05pm
End time : Aug-15 02:05pm
Pages sent : 002
Status : OK
Job number : 760

*** SEND SUCCESSFUL ***

DENISE M. WASSER
BRUCE S. COOPERMAN
EUGEN S. CARTER
LAURA LANDSMAN
JENNIFER A. ROLEY
LAURA A. WASSER
MELANIE S. MANDUS
NAN SIKAS
SAMANTHA HERN
JAY A. FOLSTERN

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WILLIAM A. DING
PARALEGAL

FAX TRANSMITTAL COVER

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Date Sent: 8/15/07
Operator: lvh

Time Sent: Approx. 2:07 PM
To Fax No.: (310) 552-1970

INTENDED RECIPIENT: MARK VINCENT KAPLAN, HQ.
SUBJECT/CASE: SPRARE/FEDERLINE
FROM: LAURA A. WASSER, RSO.
OF WASSER, COOPERMAN & CARTER
TELEPHONE: (310) 277-7117 FAX: (310) 553-1793

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 2

DOCUMENT/COMMENT:

ORIGINAL/COPY WILL BE:

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1 MARK VINCENT KAPLAN (SBN 58836)
2 JAMES M. SIMON (SBN 109913)
3 KAPLAN & SIMON, L.L.P.
4 2049 Century Park East, Suite 2660
5 Los Angeles, California 90067
6 Telephone: (310) 277-9009
7 Facsimile: (310) 552-1970

8 Attorneys for Respondent
9 KEVIN FEDERLINE

FILED
LOS ANGELES SUPERIOR COURT

AUG 27 2007

[Signature]

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re Marriage of:

Petitioner: BRITNEY SPEARS

and

Respondent: KEVIN FEDERLINE

CASE NO. BD 455 662

DECLARATION OF MARK VINCENT
KAPLAN IN OPPOSITION TO
PETITIONER'S EX PARTE
APPLICATION FOR CONTINUANCE
OF RESPONDENT'S OSC

DATE: August 27, 2007
TIME: 8:30 a.m.
DEPT: 88

FILED CONDITIONALLY UNDER SEAL

ATTORNEYS AT LAW
2049 CENTURY PARK EAST, SUITE 2660
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 277-9009
FACSIMILE: (310) 552-1970

Marriage of SPEARS/FEDERLINE
LASC Case No. BD 455 662

DECLARATION OF MARK VINCENT KAPLAN

/K, seal, wpd

DECLARATION OF MARK VINCENT KAPLAN

I, MARK VINCENT KAPLAN, hereby declare as follows:

1. I am an attorney duly licensed to practice law before all of the Courts of the State of California, and am a partner of Kaplan & Simon, L.L.P., attorneys of record for Respondent Kevin Federline since the inception of this matter. I submit this declaration in opposition to Petitioner's ex parte request for a continuance of Respondent's OSC [REDACTED] scheduled for hearing on September 17, 2007. As described below, Respondent has offered to stipulate to a continuance, subject to limited and reasonable interim orders, all of which were rejected by Petitioner.

2. [REDACTED]

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Marriage of SPEARS/FEDERLINE
LASO Case No. BD 465 662

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 3. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
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13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 4. For the OSC hearing, Respondent has requested that the Court make the
26 following orders:

27 A. [REDACTED]
28 [REDACTED]

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B. [REDACTED]

C. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. [REDACTED]

[REDACTED]

[REDACTED]

E. [REDACTED]

[REDACTED]

[REDACTED]

F. [REDACTED]

G. [REDACTED]

[REDACTED]

[REDACTED]

H. Petitioner shall make a pendente lite payment of \$100,000 to be applied to Respondent's litigation expenses.

5. On August 13, 2007, Dennis Wasser advised me that he was taking over the case from Laura Wasser. On August 16, 2007, Mr. Wasser requested that I send him proposed conditions for a continuance of the OSC. The following day my partner, James Simon, sent Mr. Wasser a letter, a copy of which is attached hereto as Exhibit A, proposing that Respondent will stipulate to a reasonable continuance of the pending OSC, subject to the following interim orders, effective forthwith:

A. [REDACTED]

[REDACTED]

B. [REDACTED]

[REDACTED]

[REDACTED]

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C. [REDACTED]

D. [REDACTED]

and

E. Petitioner shall make a pendente lite payment of \$50,000 to be applied to Respondent's litigation expenses.

6. On Friday, August 17, 2007, I inquired of Mr. Wasser in regard to his response to the proposed conditions for continuance and he said his office may no longer be representing Petitioner and he would get back to me on Monday, August 20, 2007. On August 22, 2007, I spoke to Mr. Wasser and he advised that the proposed conditions were not acceptable and that his office would be bringing an *ex parte* application for continuance of the OSC. To date, I have never received an offer from Petitioner's counsel in regard to any acceptable condition for a continuance.

7. [REDACTED]

///

1 8. While Respondent is attempting to move diligently forward with relevant
2 discovery, Petitioner's continued pattern is to delay discovery and to delay the hearing
3 in this matter. Petitioner's deposition was duly noticed for August 20, 2007. Though
4 Mr. Wasser stated he was taking over the case, Petitioner did not appear for her
5 deposition on the basis that Laura Wasser was on vacation. On August 21, 2007, I
6 faxed a letter to Mr. Wasser, a copy of which is attached hereto as Exhibit B,
7 requesting that I immediately be provided a date for Petitioner's deposition. Despite
8 this request and my repeated requests thereafter, no date has yet been offered for the
9 taking of Petitioner's deposition.

10 9. In addition to Petitioner's deposition, six non-party witnesses have been
11 scheduled pursuant to subpoenas, as follows:

<u>Name</u>	<u>Date</u>
Alli Sims (Petitioner's assistant)	8/28/07
Promises Treatment Center (records only)	9/4/07
Dr. Betty Wyman (Petitioner's designated sober companion)	9/5/07
Larry Rudolph (Petitioner's former business manager)	9/6/07
Daimon Shippen (Petitioner's former body guard)	9/7/07
Shannon Funk (Petitioner's former assistant)	9/7/07
Christine Hallet (Petitioner's former nanny)	9/12/07

20 Though there are ten attorneys in the office of Petitioner's counsel, Respondent is now
21 apparently expected to wait until Ms. Wasser returns from her 17 day vacation on
22 September 4, 2007, just 13 days before the hearing, to even begin scheduling dates for
23 depositions. Respondent is not opposed to coordinating dates for depositions, but
24 Respondent is opposed to completion of his discovery being stonewalled. In fact,
25 Respondent has offered to stipulate to exchange witness lists and arrange for
26 acceptance of service of deposition subpoenas. Attached hereto as Exhibit C is a
27 copy of the letter from James Simon dated August 17, 2007, requesting that Petitioner's
28 counsel advise when she is prepared to exchange lists of known non-party witnesses

1 and to provide us with a list of Petitioner's past and present personal assistants,
2 nannies and security personnel so that we may identify for you additional witnesses. To
3 date, we have received no response from Petitioner's counsel to this proposal.

4 10. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 11. Since July 30, 2007, when Judgment was entered in this matter,
21 Respondent has incurred attorney fees and costs in excess of \$40,000 and there will be
22 substantial legal work required of us on behalf of Respondent as described above and
23 described in my prior fee declaration. With competent counsel on both sides of this
24 [REDACTED] litigation, the pleadings will be voluminous and hearing will be contested and
25 expensive.

26 12. Per Respondent's Income & Expense Declaration dated January 24,
27 2007, a copy of which is attached as Exhibit BB to Respondent's OSC, he has no net
28 income after business expenses. [REDACTED]

1 [REDACTED] Respondent's receipt of spousal support of \$20,000 per month
2 will end on November 15, 2007. Per Petitioner's Income & Expense Declaration dated
3 May 21, 2007, a copy of which is attached as Exhibit CC to Respondent's OSC, her
4 average monthly income is \$737,868. Petitioner is clearly the "monied party" in this
5 case. Respondent requests as a further condition to any continuance that Petitioner
6 shall make a pendente lite payment of \$50,000 to be applied to Respondent's litigation
7 expenses.

8 The above facts are within my personal knowledge and I could and would
9 competently testify thereto if called upon to do so.

10 I declare under penalty of perjury under the laws of the State of California that
11 the foregoing is true and correct.

12 Executed on August 26, 2007 at Los Angeles, California.

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14 MARK VINCENT KAPLAN
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IMZ.com

KAPLAN & SIMON, L.L.P.

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¹CERTIFIED FAMILY LAW SPECIALIST
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Board of Legal Specialization

²A PROFESSIONAL CORPORATION

MARK VINCENT KAPLAN¹
JAMES M. SIMON
JEANNETTE L. FLYNN²
MARY STEARNS
RITA AZZI
NICOLE VAREADES

August 21, 2007

VIA FAX ONLY (2 Pages)
(310) 553-1793

Dennis M. Wasser, Esq.
Wasser, Cooperman & Carter
2029 Century Park East, Suite 1200
Los Angeles, California 90067

Re: **Marriage of Spears/Federline**

Dear Dennis:

In the absence of an agreement to continue the OSC, I will continue to coordinate with you to complete discovery and ready this matter for hearing on September 17, 2007.

Britney did not appear for her duly noticed deposition on August 20, 2007 at 10:00 a.m. at our office. I acknowledge that Laura advised me that the August 20, 2007 date would be while she is on vacation. However, I must insist that you contact me to immediately schedule the first available date for commencement of Britney's deposition reasonably in advance of the September 17, 2007 order to show cause hearing.

In addition, I call to your attention that the deposition examinations of, as of this date, five third party witnesses have been scheduled pursuant to subpoena which we intend to go forward on the dates scheduled, which as a matter of reference and for your convenience are as follows:

<u>Name</u>	<u>Date</u>	<u>Time</u>
Alli Sims	August 28, 2007	10:00 a.m.
Betty Wyman	September 5, 2007	10:00 a.m.
Daimon Shippen	September 7, 2007	10:00 a.m.
Shannon Funk	September 7, 2007	1:30 p.m.
Christine Hallet	September 12, 2007	10:00 a.m.

KAPLAN & SIMON
A LIMITED LIABILITY PARTNERSHIP

Dennis M. Wasser, Esq.
Wasser, Cooperman & Carter
August 21, 2007
Page 2

Please advise me at your first opportunity if there is someone other than yourself
I should attempt to coordinate discovery dates, in Laura's absence.

Thank you for your immediate attention to these matters.

Sincerely,

KAPLAN & SIMON, L.L.P.

By


MARK VINCENT KAPLAN

MVK/ms
wasser depositions2.wpd

TRANSMISSION VERIFICATION REPORT

TIME : 08/21/2007 16:11
NAME : KAPLAN & SIMON
FAX : 310-552-1978
TEL : 310-277-9889
SER. # : 00005J225638

DATE, TIME
FAX NO./NAME
DURATION
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RESULT
MODE

08/21 16:11
13105531793
00:00:25
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STANDARD
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August 21, 2007

MARK VINCENT KAPLAN
JAMES M. SIMON
JEANNETTE L. FLYNN
MARY STEVENS
RITA AZIZ
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CERTIFIED FAMILY LAW SPECIALIST
The State Bar of California
Board of Legal Specialization

A PROFESSIONAL CORPORATION

VIA FAX ONLY (2 Pages)
(310) 553-1793

Dennis M. Wasser, Esq.
Wasser, Cooperman & Carter
2028 Century Park East, Suite 1200
Los Angeles, California 90067

Re: **Marriage of Spears/Federline**

Dear Dennis:

In the absence of an agreement to continue the OSC, I will continue to coordinate with you to complete discovery and ready this matter for hearing on September 17, 2007.

Britney did not appear for her duly noticed deposition on August 20, 2007 at 10:00 a.m. at our office. I acknowledge that Laura advised me that the August 20, 2007 date would be while she is on vacation. However, I must insist that you contact me to immediately schedule the first available date for commencement of Britney's deposition reasonably in advance of the September 17, 2007 order to show cause hearing.

In addition, I call to your attention that the deposition suggested at

MARK VINCENT KAPLAN†
JAMES M. SIMON
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August 17, 2007

VIA FAX ONLY (1 Page)
(310) 553-1793

Laura Wasser, Esq.
Wasser, Cooperrman & Carter
2029 Century Park East, Suite 1200
Los Angeles, California 90067

Re: **Marriage of Spears/Federline**

Dear Laura:

Per your letter of August 15, 2007, this will confirm that we are willing to work with you to obtain acceptance of service of non-party witnesses. Please advise when you are prepared to exchange lists of known non-party witnesses. Please also provide us with a list of Britney's past and present personal assistants, nannies and security personnel so that we may identify for you additional witnesses.

Sincerely,

KAPLAN & SIMON, L.L.P.

By


JAMES M. SIMON

JMS/ec
c: Kevin Federline
Wasser-L witnesses.wpd

1 MARK VINCENT KAPLAN (SBN 58836)
JAMES M. SIMON (SBN 109913)
2 KAPLAN & SIMON, L.L.P.
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5 Attorneys for Respondent
KEVIN FEDERLINE
6
7
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
10

11 In re Marriage of:

12 Petitioner: BRITNEY SPEARS
13

14 and

15 Respondent: KEVIN FEDERLINE
16

CASE NO. BD 455 662

DECLARATION OF MARK VINCENT
KAPLAN IN OPPOSITION TO
PETITIONER'S EX PARTE
APPLICATION FOR CONTINUANCE
OF RESPONDENT'S OSC

DATE: August 27, 2007
TIME: 8:30 a.m.
DEPT: 88

FILED CONDITIONALLY UNDER SEAL

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DECLARATION OF MARK VINCENT KAPLAN

Marriage of SPEARS/FEDERLINE
LASC Case No. BD 455 662